

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In Re Flint Water Cases

No.5:16-cv-10444-JEL-EAS (consolidated)

Hon. Judith E. Levy

**REPORT AND RECOMMENDATION OF THE
SPECIAL MASTER AND MASTER GUARDIAN AD LITEM REGARDING VENUE IN
GENESEE COUNTY PROBATE COURT FOR ALL NEXT FRIEND PETITIONS**

Final approval of the Amended Settlement Agreement (“ASA”) was granted on March 3, 2023 pursuant to the Amended Final Judgment and Order of Dismissal with Prejudice Implementing Partial Settlement Pursuant to Fed. R. Civ. P. 54(b) and 58(a). (ECF No. 2128) This Court “retains exclusive jurisdiction over all matters relating to the interpretation, implementation, and enforcement of the Settlement Agreement.” (ASA § 23.5)

Section 21.2 of the ASA requires a dedicated Genesee County Probate judge to rule on all Petitions for the Appointment of Next Friend.¹ To implement the ASA, effective February 27, 2023, the State Court Administrative Order issued the attached Assignment assigning the Honorable Milton L. Mack Jr. to the Genesee County Probate Court “to handle any probate matters that emanate from the Flint Water Litigation civil and global settlement.” (Exhibit A)

Pursuant to the Orders Approving Recommendation of Master GAL and Special Master, and Directing the Use of Certain Probate Procedures, Instructions, and Forms (Exhibit B), anticipated Next Friend Petitions will come before the Honorable Milton L. Mack, Jr. for purposes

¹ All capitalized terms have the same meaning as in the ASA unless otherwise stated.

of claims administration and distribution phases of this settlement. These Next Friend Petitions are needed for the appointment of a competent and responsible individual pursuant to MCR 2.201(E)(1) for claimants for whom a suitable Next Friend under the Court-approved terms of the ASA does not exist or is no longer available.

The attached Orders do not address venue for Next Friend Petitions. Venue for such proceedings is where the protected individual resides in this State. If the protected individual resides in another state, venue is where the property to be managed is located. Mich. Comp. Laws § 700.5403.

Michigan Court Rule 5.128 authorizes the probate court, on its own initiative, to change venue to another county by court order for the convenience of the parties, witnesses, or attorneys.

Many registered minors who require Next Friend appointments reside in Genesee County. Venue for these Next Friend Petitions are in the Genesee County Probate Court pursuant to Mich. Comp. Laws § 700.5403. However, certain minors who need Next Friend appointments reside in other Michigan counties. For this group, unless venue is changed to Genesee County, Next Friend Petitions will be heard in multiple jurisdictions by courts entirely unfamiliar with the many duties of the Next Friend during the claims and distribution phases under the ASA. This is contrary to the express terms of the ASA, Section 21.2, the February 27, 2023 Assignment, and the intent of an efficient, uniform process for similarly situated claimants. Further, the parties' and attorneys' convenience are served by having a single pre-determined venue for all Next Friend Petitions.

For these reasons, the Special Master and Master Guardian Ad Litem request that the Court enter an implementing order approving the transfer venue for all "Next Friend" appointments within the meaning of the ASA and for purposes of the ASA to Genesee County. A companion Report and Recommendation of the Special Master and Master Guardian Ad Litem Regarding

Venue in Genesee County For all Next Friend Petitions has been submitted to the Genesee County Probate Court.

A proposed Order is attached as Exhibit C.

Dated: June 28, 2023

Respectfully Submitted,

/s/ Deborah E. Greenspan

Deborah E. Greenspan
Special Master
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/s/ Miriam Z. Wolock

Miriam Z. Wolock (P49434)
Master Guardian Ad Litem
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CERTIFICATE OF SERVICE

I certify that on June 28, 2023 I electronically filed the foregoing document with the Clerk of Court using the Court's ECF system, which will send notification of such filing to attorneys of record.

Dated: June 28, 2023

Respectfully submitted,

/s/ Miriam Z. Wolock

Miriam Z. Wolock (P49434)

Master Guardian Ad Litem

LAW OFFICES OF MIRIAM Z. WOLOCK, PLLC

40900 Woodward Avenue, Suite 111

Bloomfield Hills, MI 48304

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EXHIBIT A

STATE COURT ADMINISTRATIVE OFFICE
Lansing, Michigan
ASSIGNMENT

Assignment No: 2320365A

TO: Honorable Milton L. Mack, Jr. P25193
3072 Rivers Edge Dr.
Wayne, MI 48184

Under the provisions of the Michigan Constitution, 1963, Art. 6, Sec. 4, as amended, you are assigned to serve as Judge of the:

Genesee County Probate Court

Region: 1

Region: 2
Genesee County

THIS ASSIGNMENT DOES NOT COVER DISQUALIFICATIONS.

Assignments terminate by an assignment end date, or if none, by an SCAO termination of assignment, or when the assigned judge leaves office.

When in a courthouse located within their judicial circuit or district, assigned judges may preside by videoconference in any court proceedings that may be conducted by videoconference without the consent of the parties under the Michigan Court Rules and statutes.

Commencing 02/27/2023.

Reason for Assignment: Assist With Docket

Honorable Milton Mack, Jr. (P25193) is assigned to the Genesee County Probate Court to handle any probate matters that emanate from the Flint Water Litigation civil and global settlement.

By virtue of accepting this assignment, Honorable Milton L. Mack, Jr. affirms that he is a resident of Michigan; that he is an active member of the State Bar of Michigan; and that he is not practicing law.

CC: Mr. Sam Olson, P25

APPROVED: 

Mrs. Kristi Drake

Regional Administrator

Authorized: 02/27/2023

EXHIBIT B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In Re Flint Water Cases

No.5:16-cv-10444-JEL

HON. JUDITH E. LEVY

**ORDER APPROVING RECOMMENDATION OF MASTER GAL AND SPECIAL
MASTER, AND DIRECTING THE USE OF CERTAIN
PROBATE PROCEDURES, INSTRUCTIONS, AND FORMS**

Having reviewed the Report and Recommendation of the Special Master and Master Guardian Ad Litem to Adopt Probate Court Procedures, Instructions, and Forms for Purposes of the Partial Flint Water Settlement, the Court approves the procedures, instructions and forms attached as Exhibit A thereto, and further directs that these procedures and forms shall be used, where appropriate, to implement the Settlement and the January 25, 2021 Order Granting Plaintiffs' Motion For The Appointment of Next Friends On Behalf Of Each Minor And Legally Incompetent Individual For Purposes Of Participating In The Flint Water Settlement issued by the Genesee County Circuit Court, *In Re Flint Water Litigation*, Case No. 17-108646-NO.

IT IS SO ORDERED.

Date: March 29, 2022
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

A TRUE COPY
GENESEE COUNTY CLERK

STATE OF MICHIGAN
CIRCUIT COURT FOR THE 7TH JUDICIAL CIRCUIT
GENESEE COUNTY

In re Flint Water Cases,

No. 17-108646-NO

This Order Relates To:

HON. JOSEPH J. FARAH

All Cases.

**ORDER APPROVING RECOMMENDATION OF MASTER GAL AND SPECIAL
MASTER, AND DIRECTING THE USE OF CERTAIN
PROBATE PROCEDURES, INSTRUCTIONS, AND FORMS**

Having reviewed the Report and Recommendation of the Special Master and Master Guardian Ad Litem to Adopt Probate Court Procedures, Instructions, and Forms for Purposes of the Partial Flint Water Settlement, the Court approves the procedures, instructions and forms attached as Exhibit A thereto, and further directs that these procedures and forms shall be used, where appropriate, to implement the Settlement and the January 25, 2021 Order Granting Plaintiffs' Motion For The Appointment of Next Friends On Behalf Of Each Minor And Legally Incompetent Individual For Purposes Of Participating In The Flint Water Settlement issued by the Genesee County Circuit Court, *In Re Flint Water Litigation*, Case No. 17-108646-NO.

IT IS SO ORDERED.

Dated: 3/30/21
Ann Arbor, Michigan

Just



JOSEPH J. FARAH
Civil Division Judge



EXHIBIT C

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

In re Flint Water Litigation

5:16-cv-10444-JEL-EAS (consolidated)

Hon. Judith E. Levy

_____/

**ORDER APPROVING TRANSFER OF VENUE TO THE GENESEE COUNTY
PROBATE COURT FOR ALL THOSE NEXT FRIEND PETITIONS AS SET FORTH IN
THE REPORT AND RECOMMENDATION OF THE SPECIAL MASTER AND
MASTER GUARDIAN AD LITEM REGARDING
VENUE IN THE GENESEE COUNTY PROBATE COURT**

Having reviewed the Report and Recommendation of the Special Master and Master Guardian Ad Litem Regarding Venue in Genesee County Probate Court For All Next Friend Petitions, the Court hereby approves that for all Next Friend Petitions that would otherwise be heard in counties other than Genesee County, venue for all such Petitions shall be transferred to the Genesee County Probate Court and assigned to the Honorable Milton L. Mack, Jr., who has been assigned to hear all matters relating to the Flint Water Litigation civil and global settlement.

IT IS SO ORDERED.

Dated: _____

JUDITH E. LEVY
United States District Judge